

**GOGICK, BYRNE & O'NEILL, LLP**

Attorneys at Law

11 Broadway  
New York, NY 10004-1314  
Tel: (212) 422-9424  
Fax: (212) 422-9429

80 Main Street  
West Orange, NJ 07052-5414  
Tel: (973) 778-7074  
Fax: (973) 731-9319

112 Prospect Street  
Stamford, CT 06901-1207  
Tel: (203) 327-7561  
Fax: (203) 966-1431

Robert J. Gogick<sup>†</sup>  
Kevin J. O'Neill<sup>†</sup>  
Michael J. Byrne<sup>\*</sup>

Stephen P. Schreckinger<sup>†</sup>  
Elaine C. Gangel<sup>†</sup>  
Albert Wesley McKee<sup>°</sup>

John M. Rondello, Jr.<sup>†</sup>  
Anthony W. Vaughn, Jr.<sup>†</sup>  
Mark R. McCauley<sup>†</sup>  
Bryan R. Weber<sup>□</sup>  
Pamela M. Harinstein<sup>\*</sup>  
Eyal S. Eisig<sup>†</sup>  
Sushmita Roy<sup>†</sup>  
Kevin J. McGrath<sup>†</sup>

<sup>†</sup> Admitted in NY, NJ & CT  
<sup>°</sup> NY, NJ & PA  
<sup>□</sup> NY & NJ  
<sup>°</sup> NY & CT  
<sup>†</sup> NY only  
<sup>\*</sup> NJ only

October 12, 2010

**BY ECF AND FIRST CLASS MAIL**

Honorable Magistrate Boyle  
United States Magistrate Judge  
United State District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

Re: J. Barrows, Inc. v. Joseph Uvino, et al.  
Docket No. 09-03905  
Our File No.: 650-956

Honorable Judge Boyle:

I represent defendant Kaehler Moore Architects (KMA) and am writing to request an adjournment of the settlement conference on November 1, 2010.

I have a vacation in San Francisco, planned months in advance, that includes November 1<sup>st</sup>. For personal reasons, I cannot change the dates of the trip.

In addition, KMA intends to move for summary judgment dismissing the Complaint, for partial summary judgment dismissing one count of the Complaint and a portion of plaintiffs' damages and for a declaration that KMA's liability to plaintiffs is limited pursuant to contract. It may be premature to discuss settlement under these circumstances.

If the Court is inclined to go forward with the settlement conference, it is respectfully requested that it be rescheduled to any day during the weeks of November 8<sup>th</sup> or November 15<sup>th</sup>.

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Thank you for your consideration of this matter.

Respectfully,



Michael J. Byrne

MJB:rp

Cc: All counsel by fax  
(See service list)

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TO:

Kathryn Dalli  
Twomey, Latham, Shea, Kelley  
33 West Second Street  
Riverhead, New York 11901  
Attorney for Plaintiff, and  
John Barrows, Third-Party Defendant  
Tel: 631-265-1414  
Fax: 631-574-1258

Jeremy D. Platek  
Alak Shah  
O'Connor Redd, LLP  
200 Mamaroneck Avenue, 2<sup>nd</sup> Fl.  
White Plains, NY 10601  
(914) 686-1700  
Fax: 914-328-3184  
Attorneys for John Barrows, Inc.  
On the Counterclaim

Wollmuth, Maher & Deutsch, LLP  
500 Fifth Ave., Suite 1200  
New York, New York 10110  
Attn: William Dahill, Esq  
Tel: 212-382-3300  
Fax: 212-382-0050  
Attorneys for Uvinos

David Lee Heller, Esq.  
3334 Noyac Road  
Sag Harbor, New York 11963  
Tel: (631) 725-6340  
Fax: (631) 725-6342  
Attorneys for Wood & Colors, Inc.

Rabinowitz & Galina, Esq.  
94 Willis Avenue  
Mineola, New York 11501  
Tel: (516) 739-8222  
Fax: (516) 739-8225  
Attorneys for Pools by Guillo, Inc.

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Marshall M. Stern, Esq.  
17 Cardiff Court  
Huntington Sta., New York 11746  
Tel: 631-427-0101  
Fax: 631-427-0196  
Attorneys for Valdespino Custom Builders  
and J.L. Masonry & Construction, Inc.

Michael T. Sucher, Esq.  
26 Court St., Suite 2312  
Brooklyn, New York 11242  
Tel: (718) 522-1995  
Fax: (718) 797-3174  
Attorneys for F. Schneider Contracting

Mark A. Healy, Esq.  
Morris Duffy Alonso & Faley  
2 Rector Street - 22<sup>nd</sup> Floor  
New York, NY 10006  
Tel: (212) 766-1888  
Fax: (212) 766-3252  
Attorneys for Third party &  
Counterclaim defendant, Hampton Contracting, Inc.